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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,624	03/28/2006	Patrick Joseph Wall	40735035/54536US	9025
25005 7590 12/12/2007 DEWITT ROSS & STEVENS S.C. 8000 EXCELSIOR DR SUITE 401 MADISON, WI 53717-1914			EXAMINER KING, ANITA M	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,624	WALL, PATRICK JOSEPH	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/28/06</u> | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/573,624, Bracket Stripping, filed on March 28, 2006.

Election/Restrictions

The restriction requirement is hereby withdrawn. Claims 11-30 will be examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "15" in Fig. 7 and "18" in Fig. 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: on page 5, line 5 reference number "14" is used to designate a channel and side flanges.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a major axis," "diameter," "adjacent axes," "major axes," and "parallelogram".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13, 23, and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not understood how a diameter can have opposing corners as cited in claim 13. A diameter is defined as a length of a line segment passing through the center of a circle or sphere, neither a circle nor sphere as defined have opposing corners.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-19 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,572,695 to Gilb. Gilb discloses a bracket (Fig. 6) comprising: a sheet of material (1) having a least one series of shaped apertures (26-32) defined therein, wherein the series defines a path (46) along the sheet, and the shaped apertures facilitate the folding or cutting of the sheet material along the path; wherein the material is sheet metal (Col. 4, line 12); wherein each shaped aperture defined along the path has opposing comers defined along its *diameter*, with the opposing comers being aligned along the path; wherein the shaped apertures are at least substantially diamond-shaped (Col. 4, line 42); wherein the sheet is elongated, and the shaped apertures have a major axis along which the shaped apertures have *greater diameter* than at adjacent axes, and the major axis is oriented along the length of the sheet; wherein the shaped apertures have at least two major axes; wherein the shaped apertures are shaped at least substantially like a parallelogram; round apertures (47-50 and 66-77) defined in the sheet, the round apertures being spaced about the shaped apertures; and wherein the material bears at least one fold (21-25) defined therein, the fold being situated at least partially along the path along which the shaped apertures are defined.

In regards to claims 22-26, Gilb inherently teaches the method of forming a bracket comprising the steps of: providing a sheet of material having at least one series of shaped

apertures defined therein; folding or cutting the sheet material along a path to form a bracket; and inserting one or more fasteners (95) into the bracket, each fastener being inserted into one of the round apertures (Col. 8, line 15ff).

Claims 11, 12, 15, 18-22, 27, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,797,694 to Breivik. Breivik discloses a bracket (10) comprising a sheet of material having at least one series of shaped apertures (120) defined therein, wherein the series defines a path (108) along the sheet and the shaped apertures facilitate the folding (Col. 4, line 2ff) or cutting of the sheet material along the path; wherein in the material is sheet metal (Col. 4, line 12); wherein the sheet is elongated, the shaped apertures have a major axis along which the shaped apertures have a greater diameter than at adjacent axes, and the major axis is oriented along the length of the sheet; round apertures (204) defined in the sheet, the round apertures being spaced about the shaped apertures; wherein the material bears at least one fold defined therein, the fold being situated at least partially along the path along which the shaped apertures are defined; and wherein one or more additional series of shaped apertures are defined along the sheet adjacent the fold.

Breivik inherently teaches the method of forming a bracket, comprising the steps of: providing a sheet of material having at least one series of shaped apertures defined therein, and folding or cutting the sheet of material along the path to form a bracket.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 21, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilb. Gilb discloses the claimed invention except for the limitation of one or more additional series of shaped apertures defined along the sheet adjacent the fold. It would have been obvious to one having ordinary skill in the art to have modified the bracket in Gilb to have included one or more additional series of shaped apertures since such a modification would have merely involved a duplication of parts and would not have yielded any unpredictable results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,703,522 to Escobales

U.S. 5,813,649 to Peterson et al.

U.S. Patent 6,171,043 to Williams

U.S. Patent 6,254,306 to Williams

U.S. Patent 6,364,260 to Lorinez et al.

U.S. Patent 6,644,607 to Lehtonen

The above patents all disclose various types of brackets of sheet material and including at least one series of shaped apertures defined therein for folding or cutting the sheet.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

December 9, 2007